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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,814	12/16/2003	Jun Fujimoto	402918/SOEI	2867

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EXAMINER	
HSU, RYAN	
ART UNIT	**PAPER NUMBER**
3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

NT

Office Action Summary	Application No.	Applicant(s)	
	10/735,814	FUJIMOTO, JUN	
	Examiner	Art Unit	
	Ryan Hsu	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/30/04; 6/9/04; 6/16/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of copending Application No. 10/735,812.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the instant application call for a "house card issuing means for issuing which stores user information", a "server for transmitting casino data required for a casino game" and "a service management server comprising means for managing a casino deposit". In application 10/735,812 the limitations of the application call for a "house card issuing means for issuing a house card which stores user information", a "server which, when deposit data indicating a deposit which enables said user to utilize said services are inputted",

and "a service management server comprising means for managing a casino deposit". The claims of the instant application and the claims of US application '812 are restatements towards the same subject matter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to simply re-word the claims of application '812 with common variations in terms and phrasing to derive the claims of the instant application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Boushy et al. (US 6,003,013).

Regarding claim 1, Boushy et al. discloses a downloading service system for managing downloading services provided in a hotel in which a casino is installed, comprising: house card issuing means for issuing a house card which stores user information enabling identification of a user of the downloading services (*see col. 6: ln 23-54*); an intra-service server for transmitting casino data required for a casino game in response to a download request including user information (*see Fig. 3 and the related description thereof*); casino data reception means for receiving casino data from an intra-service server (*see Fig. 1 and the related description thereof*); and a service management server comprising means for managing a casino deposit

which enables a user to utilize casino services upon acquirement of a house card with casino data received by a casino data reception means (*see Fig. 3 and the related description thereof*), and for restricting use of the casino services by the user using a casino data on the basis of usage restriction conditions placed on a casino deposit (*see col. 9: ln 52-col. 10: ln 17, col. 13: ln 25-40*)).

Regarding claim 2, Boushy et al. discloses a downloading service system wherein the service management server determines a usage restriction condition according to the presence or absence of a deposit balance indicating the amount of money remaining of a casino deposit (*ie: the amount left in the account*) (*see col. 9: ln 42-col. 10: ln 18*).

Regarding claim 4, Boushy et al. discloses a downloading service system according wherein an intra-service server further comprises means for updating a casino data in response to an update request (*see Fig. 3 and the related description thereof*).

Regarding claim 5, Boushy et al. discloses a downloading service system comprising a multi-media server for transmitting content data to a casino data reception means in response to a download request; and a house card server for storing service data indicating use of a downloading service for downloading content data (*see Fig. 3 and the related description thereof*).

Regarding claim 6, Boushy et al. discloses a downloading service system wherein a multi-media server further comprises means for updating a content data in response to an update request (*see col. 10 : ln 31-53*).

Regarding claim 7, Boushy et al. discloses a downloading service system that further comprises an action history management server for managing the actions of the user by obtaining the user information (*see col. 9: ln 52-col. 10: ln 67*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boushy et al. (US 6,003,013) as applied to claims above, and further in view of Missouri Gaming Rules (11 CSR 45-6).

Boushy teaches a casino management system that incorporates a player tracking system that enables downloading services to be provided for different customers. Boushy's system provides a service management system that manages electronic casino transactions for the accounts in the system. Additionally, Boushy system handles and tracks and monitors all of the operations that are occurring in the casino so that regulations and situations occurring in the casino may be monitored and reviewed. However, Boushy is silent with regard to specifically having a usage restriction conditions according to whether or not use of an accumulated deposit over a predetermined time period has exceeded an upper limit (*ie: a loss-limit regulation*). Although, Boushy does not specifically state the incorporation of a loss-limit regulation this is an old and well-known function in the gaming industry. In an effort to help reduce players from losing too much money at the casino due to gambling habits or other unfortunate events, many

states have established laws to prevent people from going bankrupt through foolish gambling habits. As taught in the rules set forth by the Missouri Gaming Commission a casino is specified to have a usage restriction of funds if an upper limit (*ie: $500.00*) has been exceeded over a predetermined time period (*see pg. 4-5*). One would be motivated to incorporate this feature into the casino management system in order for it to meet the regulations set forth by gaming commissions such as the state of Missouri. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature into the casino management system of Boushy.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Picciallo (US 6,044,360) - Third Party Credit Card.

Rowe (US 6,645,077 B2) – Gaming Terminal Data Repository and Information Distribution System.

Halbritter et al. (US 7,022,017 B1) – Interactive Resort Operating System.

Craine (US 5,321,241) – System and Method for Tracking Casino Promotional Funds and Apparatus for use therewith.

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached at (571)-272-6788.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).

RH

Scott E. Jones

SCOTT JONES
PRIMARY EXAMINER

January 4, 2007